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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1423rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-44050 (E)

The meeting was called to order at 10.20 a.m.

THEMATIC DISCUSSION ON THE QUESTION OF DISCRIMINATION AGAINST ROMA (continued)

1. The CHAIRMAN invited the Committee to resume its thematic discussion of discrimination against the Roma population.

2. Mr. NOBEL said that at the previous meeting Mr. Asbjørn Eide had referred to the struggle and desire of Roma to preserve and promote their own identity. The subject was one of great interest. It appeared that at least in Europe, and certainly in other regions of the world, a minority group was engaged in a visible struggle to maintain its identity, and that provoked the majority population and even stirred up hatred among them. It was probably one of the causes of the genocide committed against both Jews and Roma in Europe, and could also be part of the strong Islamophobic trend currently affecting the continent.

3. The failure of the majority to tolerate the Roma's struggle to preserve their identity, related as it was to racism and racial discrimination, was a subject to be dealt with by the forthcoming World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance. Indeed, one of the messages to be sent to the World Conference was that all people including minorities had the right to be different.

4. On the subject of refugees, there was no disputing that recognition of a person as a refugee under the 1951 Convention relating to the Status of Refugees should not be extended to individuals who did not meet the criteria defined by that Convention. Determining refugee status was, however, no simple matter. Decision makers could seek guidance in the matter from the handbook produced by the United Nations High Commissioner for Refugees (UNHCR), and in the substantial existing body of legal doctrine. In cases of uncertainty, asylum-seekers should be given the benefit of the doubt, in dubio mitio.

5. Even with the most scrupulous application of the rules, there was a wide divergence between the most generous and most restrictive practices. In most Western European countries, there were laws and established practices allowing residence permits to be granted, on humanitarian and other grounds, to asylum-seekers who were not covered by the Convention but who could not be sent back to face the ordeals and dangers from which they had fled. The UNHCR representative who had spoken at the previous meeting had urged the Committee to encourage Governments, in their dealings with Roma asylum-seekers, to adopt a generous approach in the determination of refugee status, irrespective of whether their cases were covered by the Convention. As he had stated previously, certain Governments had criticized others for their handling of the Roma problem. Such criticism was not appropriate, however, if those Governments themselves refused to receive Roma refugees and grant them safety. Such double standards clearly constituted a form of hypocrisy.

6. It had emerged from statements by non-governmental organizations (NGOs), Roma representatives and other Committee members that in many countries there was a lack of political will. In those countries the non-Roma population manifested an attitude of intolerance towards Roma. In certain cases, politicians did not find it expedient for their own purposes to

concern themselves with the problems that arose. In that connection, the Committee should act as a moral force and remind States parties of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. All States had a duty to act in accordance with the Convention. If the general public had difficulties in understanding why that was the case, States were also morally obliged to explain the purpose of international law, particularly in relation to human rights, and its importance in preventing disasters from taking place.

7. With reference to the general attitude towards Roma, the Committee's dialogue with Governments showed that there was a tendency for Governments to blame the victims, for example Roma children, for the problems encountered. They did not consider the difficulties that arose to be the result of government or municipal housing or education policies, for example. Such a viewpoint was both unproductive and erroneous. In fact, the major problem lay with host countries, whether their governmental authorities, politicians or media; even in some well-meaning projects, there was a patronizing attitude towards Roma.

8. In their statements, several NGO speakers had emphasized that any efforts undertaken should be made in full cooperation with Roma and with their participation. That was essential at all stages and levels, in terms of planning, carrying out and evaluating initiatives. Unless the authorities were aware of the Roma's needs, desires and expectations, there was no hope of success. As experience showed, any other approach was an invitation to failure.

9. The Committee would be considering a draft general recommendation on the issue under consideration and he hoped that the conclusions of the Committee's discussion would be made public and would be conveyed directly to the World Conference.

10. The CHAIRMAN welcomed the Deputy High Commissioner for Human Rights to the meeting. His presence reflected the importance of the crime under discussion and was particularly significant for the NGOs present.

11. Mr. PILLAI said that the statements made at the previous meeting by representatives of NGOs, experts from United Nations bodies and Committee members had made a substantial contribution to the debate. He also expressed appreciation for the responses from a number of countries to the note verbale issued by the Secretariat in April 2000 seeking information on Roma populations residing in their territories, the economic and social situation of the Roma, and policies for eliminating social discrimination against them. The information furnished by States parties together with the reports submitted pursuant to their obligations under the Convention indicated a large number of good practices. A question that arose was how effectively the good practices were exercised. There were many reports of violence and high-handedness against Roma, just as there had been allegations of indifference or brutality by law enforcement agencies. The UNHCR representative had said that in a number of European countries some kind of international protection was given to Roma.

12. One issue of particular importance with regard to Roma was the question of identity, as emphasized by Mr. Nobel. The issue was fundamental since it could have an impact on the policies and programmes of States to address the Roma problem. Data on Roma had been furnished by the States, together with non-official estimates from other parties. The two sets of

figures differed drastically. In at least one case, an attempt had been made to project the underestimate of the number of Roma as a consequence of the internal search for their own identity. It was true that Roma were victimized but it was uncertain whether they had doubts about their identity or whether they would wish to renounce that identity. It had also been stated that national censuses were not designed in such a way as to allow the Roma to express their identity. That fact should be considered carefully by the Committee. A recommendation could perhaps be made proposing appropriate changes to census-taking procedures and to the manner in which information was elicited, in order to secure accurate data on the number of minority ethnic groups, in particular Roma, in different countries. Without such statistical data, it was very difficult to establish a clear picture of patterns of discrimination, to develop assistance programmes for Roma or determine what resources were required for such assistance, and to evaluate the programmes introduced.

13. A great deal had been said about socio-economic programmes designed to enhance the position of Roma. There were, however, difficulties in providing an overall perspective of the programmes in many countries largely because of the absence of appropriate socio-economic development indicators. Such difficulties had arisen in the context of the examination of country reports, and the Committee had recommended that "adequate indicators and other means of monitoring the economic and social conditions of Roma should be developed". In one case the Committee had said that it wished "to be provided with full and up-to-date data inter alia on the social indicators of non-integration of the least favoured social groups of the population". The evolution of such indicators should be a major area of interest to all.

14. A further subject worthy of mention was the need to increase awareness among public officials. Reports had been received of failure by the police to register cases of violence against Roma and of failure by courts to take account of the racial aspects of such cases. One of the reasons for the latter was that racial offences were tried under the normal criminal code and that States did not have a specific law dealing with cases of racial discrimination, as provided for under article 4 of the Convention, which called for specific legislation designed to deal with offences of racism and racial intolerance.

15. In the area of employment, job advertisements sometimes specified that Roma should not apply. In one case, a senior government official was reported to have adopted the position that such advertisements were "much too common to be prosecuted".

16. One disheartening factor was the lack of adequate political sensitivity, as emphasized by almost all the Committee members who had spoken. An Organization for Security and Cooperation in Europe (OSCE) report on the situation of Roma and Sinti in the OSCE area described a number of policy initiatives. Equally important was the role of political leadership in shaping public opinion. According to the OSCE report, "past experience has surely taught us that we can meet the challenge of combating racism only when political leaders provide moral leadership - when they shape rather than follow public opinion".

17. With regard to the role of regional institutions, the absence of Roma groups from outside Europe at the informal meeting held by the Committee, referred to by Mr. Aboul-Nasr, might in part be due to resource constraints. One way of overcoming that problem in articulating complaints or in seeking redress for grievances was to make mechanisms available closer to

home. The Committee had had occasion to hear of cases brought by Roma to the European Court of Human Rights on issues relating to discrimination in the field of housing. The creation and strengthening of regional mechanisms would not only provide easier access to forms of redress but would also promote collective thinking and action by States parties.

18. Mr. LECHUGA HEVIA said that at the meeting with NGOs, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and members of the Sub-Commission on the Promotion and Protection of Human Rights had shed light on the dramatic situation of Roma in Europe, and had brought data and opinions to the Committee's attention, to be used in its ongoing dialogue with States parties. Contributions had also been made by a number of experts. It was true that not only did Roma lack official protection in the countries in which they lived but, perhaps worse still, that measures did exist to protect them in certain countries but were on the whole not carried out, thereby allowing Governments to put forward a front which did not really reflect the sufferings experienced by Roma. The latter were the victims not only of discrimination but also of persecution. As had been stated by certain NGO representatives, institutional discrimination existed together with the prejudices held by the populations in countries where Roma lived. In the field of education, for example, those prejudices impeded Roma's access to schools or meant that they were automatically educated in special schools without having any special needs or, where they attended normal schools, they were subject to unequal treatment. As a result, they were unable to obtain appropriate qualifications, leading to the chronic unemployment afflicting the Roma population.

19. With reference to health care, it had been stated repeatedly that Roma did not have access to hospitals, infant mortality was very high and life expectancy very short. The general picture was one of intolerable suffering, combined with unfair repression in certain countries where Roma were the victims of the national police forces.

20. It had emerged from NGO statements and from that of the Special Rapporteur, from information he had gathered during his visit to various Eastern European countries, that the establishment of the market economy in those countries had given rise to a deterioration in the Roma's situation. That fact merely added to an already complex problem and should be taken into account. In certain countries, it was a matter not only of laws to be enacted or prejudices to be eradicated, but also of the economic context in which Roma lived, which made it ever more difficult to resolve the problems arising. The Committee believed that the prevalence of individual discriminatory models of social and economic organization was also a factor to be taken into account.

21. In the context of the current debate, the negative role played by the media in the treatment of Roma, a factor promoting racism in many areas of society, was also worthy of note. A false interpretation of freedom of the press enabled the media to attack and express opinions against the dignity of the Roma, but was not invoked when it came to publishing comments and information considered subversive by Governments, which forgot that racial discrimination, xenophobia and intolerance were also a breeding ground for serious violent conflicts in society.

22. Among the points raised by the organizations present was the current situation in Kosovo. The 1999 bombing did not appear to have eased tensions in the area and the crisis

continued, although the actual situation had changed. The Society for Threatened Peoples and Médecins du Monde had presented a very worrying picture; from what they had said, attacks by Albanian extremists against Roma were the worst crimes committed since those carried out by the Nazis. In the previous year, Roma had been persecuted and evicted from their homes. Of the 150,000 members of that minority which had originally lived in Kosovo, only 10,000 to 20,000 remained. In addition, the international troops present appeared to be adopting a passive attitude.

23. Another aspect to be dealt with was that of "travellers" in Northern Ireland. Although they were small in number, about 1,500, they lived in deplorable conditions and were expelled from one area only to be uprooted from another. If there were to be any talk of justice, attention must be paid to their demands.

24. Other Committee members had already analysed the situation of Roma in detail and had put forward many different possible recommendations with regard to the different facets of the problem. Furthermore, representatives of NGOs had made recommendations based on their own experience. In line with what had been stated by the Chairman in his opening address, it was necessary to identify the best practices, successful projects and possible new solutions to serve as a guide for States parties to the Convention.

25. Ms. ZOU Deci stressed the significance of the Committee's decision to hold a thematic discussion on the plight of the Roma, a minority numbering some eight million in Europe and with communities in the Americas, Africa and the Middle East. The Committee had put forward recommendations to various States parties urging them to draw up legislation to protect their Roma minorities from racial discrimination and to address their lack of education, employment and housing. Some States had attached a great deal of importance to the Committee's suggestions, while others had not. Clearly, it was the duty of all States to eliminate discrimination against that minority.

26. In the past, the dialogues held by the Committee with States parties had rarely included representatives of the Roma community. It was therefore a source of satisfaction that Roma groups had participated in the informal meeting and were well represented during the current meeting as well.

27. Over and above the struggle to eliminate racial discrimination against the Roma, the need for education and vocational training was of the utmost importance. The societies in which the Roma lived were highly competitive and undergoing rapid development. Without specific skills and a good knowledge base, it would indeed be very difficult for the Roma to become self-reliant and to gain access to employment. Roma parents and the Roma community should therefore do everything possible to forestall school drop-outs and to ensure a good level of education for their children and vocational training for adults. If the Roma increased their educational level and employability, surely their social status would gradually improve.

28. Clearly, the Roma faced serious problems owing to their economic disadvantages, the prejudice and racial discrimination against them, unfair government policies and other constraints. Those problems could be overcome through joint efforts.

29. Mr. SHAHI said that the decision to hold a thematic discussion on the Roma was one of the most important initiatives ever taken by the Committee. He fully endorsed other members' comments concerning the need to ensure that administrative and legal measures were taken to enforce laws against racial discrimination.

30. It was imperative to acknowledge the terrible sufferings of the Roma people, who had been subjected to deportation and a holocaust in the Second World War. Because the Roma did not have extensive access to the media, and possibly owing to the general prejudice against them, that suffering had generally not been acknowledged so far, and claims for compensation on behalf of the Roma victims and their heirs had not been sufficiently emphasized. In that regard, he quoted General Policy Recommendation No. 3 of the European Commission against Racism and Intolerance (ECRI), which in its preamble read: "Paying homage to the memory of all the victims of policies of racist persecution and extermination during the Second World War and remembering that a considerable number of Roma/Gypsies perished as a result of such policies". While some communities had received compensation, the Roma had not. The Committee should in its general recommendation emphasize the need for that matter to be addressed.

31. Enrolment of Roma children in the same schools as those attended by the children of the settled communities would of course be to their advantage. However, the Committee must not overlook the fact that Roma children in such schools were subjected to harassment, intimidation, abuse and insults. As a result, their families faced a strong disincentive to education. On the other hand, a failure to attend such schools would mean that they would be utterly unfit for employment later in life, and attendance at schools for retarded children would result in poor education, with little qualification for advancement in society. The Committee should therefore in its general recommendation urge Governments to take strong disciplinary measures against abuse of Roma children in school, including the expulsion from establishments of children from the settled community who were responsible for harassment or intimidation of Roma children. It was difficult to imagine how Roma children could obtain a proper education unless such a code was enforced.

32. With regard to the media, the operative part of ECRI General Policy Recommendation No. 3 contained a section in which it called upon the media to avoid "reporting incidents involving individuals who happen to be members of the Roma/Gypsy community in a way which blames the Roma/Gypsy community as a whole". The ECRI General Policy Recommendation also included a paragraph on the risk of double discrimination against Roma women.

33. As Mr. Banton had rightly pointed out earlier, there was a need for a triangular relationship between the Roma minority, the settled community and the State. Unless all three were brought together, the prejudices of the majority communities could not be eradicated. The Committee's documents and recommendations had hitherto always emphasized the need for a dialogue between the Government, administrators, the police and other law enforcement officials and representatives of the Roma community. It was necessary to include representatives of the settled community to ensure that such a dialogue would be fruitful.

34. Mr. BRYDE expressed his gratitude for the information provided to the Committee by the Sinti and Roma organizations and for their presence at the Committee's meetings. It was very important for the Committee to take their views into account when addressing the task it had set for itself.

35. It was regrettable that there had not been sufficient time set aside for questions and answers during the previous day's informal meeting, all the more so since the very competent answers given to the few questions put by Committee members appeared to indicate that such a dialogue would have been very helpful indeed. He welcomed the contributions made by members of the Sub-Commission on the Promotion and Protection of Human Rights and by the Special Rapporteur.

36. The report on the situation in Kosovo given by the representative of UNHCR was deeply disturbing, all the more so since the territory in question was not under the control of a State party, but could in legal terms best be described as a United Nations protectorate. It was extremely troubling that the United Nations should ask States parties to consider the situation in such a region to fall within the meaning of article 1 of the Convention relating to the Status of Refugees.

37. Mr. Diaconu was to be thanked for the tremendous effort he had made to provide a firm basis and solid structure for the Committee's discussion with his introductory report.

38. The Committee was confronted with "easy" questions and difficult questions. The term "easy" was used with hesitation in connection with so grave and terrible a situation. While care should be taken when employing superlatives, Mr. Banton had in his proposal for a special thematic discussion rightly described the Roma as Europe's most persecuted minority. That was not only true historically; it was still true today. It was therefore "easy" for the Committee to establish that the Convention was being violated in many countries with regard to the Roma. Despite the fact that the Roma minorities in some States were small, the Committee's concern about their situation took up a large part of its concluding observations for many States precisely because of the stark contrast between the treatment of that minority and the protection it should be afforded under the Convention. In situations where racial discrimination took more indirect forms, more effort was required by the Committee to detect it. The Roma were subjected to physical violence and abuse by officials. They lacked protection in violation of article 4 and their rights under article 5 were clearly not defended in many cases. Even article 3, which many States parties considered a vestige of the past and the struggle against apartheid, remained relevant when walls were built through cities and children were sent to schools for the mentally retarded. Faced with such a situation, the Committee's mandate was clear. It condemned such practices and could not accept any excuses.

39. The difficult questions revolved around what Mr. Eide, with his enormous experience, had called the tension between equality and identity. As Mr. Nobel had noted, that raised the question of whether recognition as a national minority or as a nation would be desirable, a matter which was the subject of debate within the Sinti and Roma communities themselves. During the informal meeting the previous day, it would have been useful to allot more time for discussions on that subject between the Committee members and NGOs and perhaps also among the NGOs taking part. Recognition of the Roma as a national minority or as a nation might bring with it

welcome rights and privileges, but it might also intensify the majority population's perception that the Roma were not full members of the national community. That would raise difficult questions of self-definition and identity for both the State party and the Roma community. The more openly a country acknowledged its multicultural nature, or as Mr. Nobel called it "the right to be different", the easier it should be to resolve such matters. On the other hand, the more a country defined itself in terms of a core ethnicity, the greater the tensions would be between equality and identity. The Committee could only ask for an open dialogue in the different societies. It could not recommend a ready-made solution for all. The tension between equality and identity might be eased if there were some recognition that, in the approach to the problems of minorities, the standard of formal equality must give way to a standard of substantive equality. What might be appropriate in one country and for one minority might not be appropriate for others. The situation of the Roma appeared to be different from most others, and therefore required special consideration.

40. Education was another field in which the tension between equality and identity was strong. There too, it was simple enough to establish that the Convention was being violated by certain practices, such as the assigning of Roma children to schools for retarded children. However, from the statements delivered and the information provided by NGOs it was clear that the conflict had yet to be resolved between an insistence on Roma education from kindergarten through university on the one hand, and the struggle against segregation on the other. Concerning education, any insistence on formal equality could be quite illusory. For other national minorities the situation was much simpler than for the Roma, as attendance at their own schools would often be in the language of a neighbouring country, thus resulting in a bilingual education offering greater opportunity. For example, students from the Danish minority in Germany could later study in either country. On the other hand, children educated in the Roma language would run the risk of being unable to study anywhere. The avoidance of segregation, and even voluntary segregation, was perhaps therefore of particular importance for the Roma. However, there too, the Committee could not mandate a ready-made formula. It could only insist on the need for dialogue and for flexible solutions which might differ from one country to another.

41. Ms. JANUARY-BARDILL thanked the NGOs for taking part in the two-day thematic discussion, and expressed appreciation for the initiative taken by the Committee in deciding to permit representatives of the victims of racial discrimination to speak for themselves.

42. As a relatively new member of the Committee and as a black South African, she said that her membership had taught her a great deal. It had been somewhat humbling in that it had placed her own personal, national and regional experiences in perspective. She was grateful to her country for nominating her, as it had given her the opportunity to do her small part to deal with the issue of racial discrimination throughout the world.

43. In the past two days she had heard that people in Europe had strong feelings against the Roma, but she had not understood why. Were the Roma a nuisance, or an irritant, or were they like the embarrassing cousin who was hidden from view when important visitors came around? Were they so different that their difference was likened to being primitive? The fact that the reasons were never expressed was somewhat bewildering. Clearly, the majority of the population in regions inhabited by the Roma had very strong prejudices against that group.

Prejudice was a very strong feeling, which sat in the stomach and seized a person by the solar plexus. People often reacted to prejudice through discrimination. Discrimination thus amounted to prejudice put into action.

44. The situation of the Roma was not merely characterized by racial discrimination. It appeared to result from a systematic oppression of the Roma people. That oppression was structural, political and systemic. It was about power and control. To reduce that situation to a discussion of discrimination would not do it justice.

45. It was also informed by a very specific ideology that made the Roma feel inferior, dehumanized them, discriminated against them, denied them their human rights, stereotyped their culture, patronized them, uprooted them from their places of abode - a practice called "forced removals" in South Africa - and sometimes killed them. That ideology appeared to be transmitted through schools and other social institutions, governments and political bodies and even economic institutions. It was used to justify the exclusion of the Roma from education and their placement in "special" schools and the negative image projected by the media of their people, thus misrepresenting them. It was used to justify politicians who denied them nationality and protection against violence, and to justify the acts of the police who harassed and intimidated them. It was used to justify the fact that the business sector denied them jobs, that restaurants and bars excluded and humiliated them and that the rest of the public sector denied them housing, health services, recreational facilities and social services.

46. The effect of that ideology on the people themselves was that it made them feel superfluous and dispensable as human beings. It made them hate themselves and want to reinvent themselves and become different from who they were. People internalized their feelings of inferiority and actively lived up to such negative expectations, in such a way that it became easy to blame the victims. That was how oppression worked.

47. The question at hand was whether the States parties were allowing all that to happen in order to shirk their responsibilities. Giving rights to the Roma people would represent a tremendous burden. Perhaps the fact that the Roma travelled was a convenient cultural trait for such States. Because they travelled, States could avoid dealing with them. Was the casual approach to protecting their rights a deliberate means of displacing them? Perhaps their displacement was not just the consequence of injustice, but the very objective of the States. It could only be hoped that such was not the case, but the question still arose.

48. The Roma were not a problem. They were a fact. Until States parties took action in a politically and economically just manner, they would be creating a monster - monsters of human beings, who hated themselves, and who could not possibly contribute to the advancement of civilization. The twenty-first century, the third millennium, had already begun. When apartheid had fallen, her countrymen had cried out "Never again!". After the Second World War people in Europe too had cried out "Never again!". Everyone should remember their calls, and remember too that the continued oppression of human beings and their treatment as disposable entities must never again be repeated.

49. Mr. FALL reiterated the importance of the Committee's decision to organize a special thematic discussion on the question of discrimination against Roma. The contributions made by

the Special Rapporteur, representatives of United Nations bodies and NGOs had contributed to the growing awareness of the size of the problem and highlighted their commitment to solving the problems faced by the Roma. The Committee's discussions would lead to a wide-reaching recommendation on measures to improve the situation of the Roma people. The information provided had shown that the Roma faced problems not only in Europe but all over the world. The reports of States parties, the observations of the Committee and the presentations by Roma groups themselves had stressed the obligation of States parties to address the Roma situation. Continued dialogue with States parties would serve to ensure respect for the values enshrined in the Convention and promote freedom for all and the elimination of discrimination. The discussions on the Roma would also contribute to meeting the Committee's two objectives of amassing as much information as possible on that situation and making a general recommendation on guaranteeing the fundamental rights of the Roma.

50. Ms. McDOUGALL commended her colleagues for the leadership they had shown during the thematic discussion, the organization of which had been a watershed not only in the area of the human rights of Roma but also in the methods of work of the Committee. She hoped that the Committee would continue to adopt innovative approaches to fulfilling its mandate.

51. She was especially concerned by the situation of Roma women and girl children, who were victims of discrimination of a different kind or a different degree, such as trafficking, forced sterilization and contraception or even gender discrimination within the Roma community itself, which compounded their lack of equality and made it even more difficult for them to play their rightful role within society. The general recommendation should include special programmes to protect the rights of Roma women and girl children and meet their needs in order to ensure their full participation not only in Roma culture but in society as a whole. Those rights must then be promoted by NGOs, States parties and the international community.

52. It was the responsibility of the State party to prevent and redress situations of racial discrimination against the Roma. Like Mr. Banton, she believed that it was important to involve States parties directly in implementing the recommendations of the Committee. They bore the responsibility not only for their own acts which tended to encourage discrimination but also for acts on the part of public authorities in general, including local governments and the police, as well as individuals and organizations in the private sector. It was important to study the impact of such non-State actors on discrimination and assess their accountability. It was the responsibility of the State party to ensure that local authorities did not by their acts violate the State party's obligations under the Convention. She also agreed with Mr. Banton that Governments must not give in to popular prejudice against the Roma but must ensure that the Convention was implemented and not use public pressure or private interests as an excuse for tolerating discrimination.

53. The Committee must not simply deplore discrimination, acknowledge the suffering of the victims of discrimination and urge tolerance; it was essential to call for efforts to be undertaken to attack the root structural causes of discrimination. Like Ms. January-Bardill, she believed the Committee must go beyond the symptoms of discrimination and urge change in the deep-rooted systemic factors which contributed to discrimination. Rather than simply creating a climate of tolerance on the part of the majority, the Committee's recommendations should empower the Roma. The Committee's discussions had shown that the Roma participated very little in the

decision-making process in relation to the size of their community, at the local or national levels, and that was a source of great concern. In addition to increasing the political influence of the Roma, steps should be taken to combat stereotyping in the media and the entertainment industry, but the Roma themselves should also have access to the media so that they could create their own images of their community to counteract the negative stereotypes portrayed elsewhere. The Committee's general recommendation should also call not only for the creation of an appropriate legal framework for the protection of the rights of the Roma but also for mechanisms to allow Roma individuals and organizations to bring complaints before the courts so that the victims of discrimination themselves could take action on their own behalf, without necessarily having to have recourse to an ombudsman or a bar association to that end. Adequate legal counsel and resources must be made available to them so that they could plead their cases before the courts. The general thrust of the Committee's general recommendation should therefore be the creation of mechanisms for self-validation which the Roma themselves could take advantage of in order to make their emancipation more truly effective.

54. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) thanked the Committee for taking the initiative of organizing a thematic discussion on the question of discrimination against Roma. All those who had participated would continue to work towards increasing awareness of the Roma issue and developing strategies to resolve the problems they faced. The statements by Committee members had shown an extraordinary level of analysis and depth of concern. A key element in the High Commissioner's strategy was to help communities in distress to call the attention of the international community to their grievances. She fully shared the Committee's concern with the situation of the Roma and joined members in stressing the need to do everything possible to resolve the situation. The Roma had been one of the main themes of the Regional Seminar of Experts held in preparation for the World Conference in Warsaw in July 2000, at which Mr. Rechetov had been present and, in that context, he drew the attention of Committee members to paragraphs 54 to 59 of that meeting's conclusions and recommendations, which had just been distributed. The High Commissioner was determined that the voices of communities in need should be heard and her Office would take into account the discussion on the Roma as well as the Committee's general recommendation in preparing for the World Conference.

55. The High Commissioner had also encouraged States to rethink their definition of national identity to encompass all those living within their territories, so that the whole would find a place for all its parts. At the forthcoming Millennium Assembly of the United Nations she would invite States parties to share in a vision statement stressing that all groups contributed to the identity of the whole. In that context, he acknowledged Mr. Bryde's point about identity and equality, and the need for open dialogue within society and solutions adapted to the situation in individual countries.

56. The thematic discussion had highlighted the unique role which the Committee played in dealing with issues of discrimination. The Convention provided the normative framework for international efforts to combat racial discrimination and the Committee, as the custodian of those norms, played an essential role in hearing the concerns of the vulnerable and meeting their needs. It was essential for the Committee to encourage States parties to create national systems for the protection of human rights and the continuous monitoring of their society's diverse populations to ensure that grievances were heard and discrimination was eliminated. In that context, he

looked forward to the Committee's concluding observations and draft general recommendation. He agreed with Ms. McDougall that the organization of the thematic discussion on the situation of Roma had been a watershed not only for the Roma themselves, but for the Committee's methods of work.

57. After listening to the discussion, he had several proposals to make. The international community must constantly monitor the situation of the vulnerable and the disadvantaged with a view to raising awareness of their problems and developing strategies to address their concerns. It was not sufficient simply to discuss the problems; policies and strategies must be adopted to bring urgent relief to those communities. In pursuing the goal of equality and dignity for all, and respect for fundamental economic and social rights, the direct structural causes of inequality must be removed. The role of specialized bodies like the Committee must be strengthened and the information gathered in discussions such as the current one must be used as a starting point for the development of strategies to help the Roma and other vulnerable communities. It was also essential that any strategies adopted should provide truly effective remedies for situations of discrimination.

58. It had been a privilege for him to participate in the thematic discussion. Though unable to attend, the High Commissioner fully shared the Committee's concern and was committed to doing everything possible to provide relief to the Roma community and, as Ms. January-Bardill had said, to attack the root causes of systemic discrimination in general.

59. The CHAIRMAN thanked the Deputy High Commissioner for his words of support and encouragement. The Committee's discussions had been fruitful and substantive and had benefited from the collective wisdom and expertise of its members, representatives of Roma NGOs who had attended the informal meeting the day before, the Chairperson of the Sub-Commission on the Protection and Promotion of Human Rights, her colleagues on the Sub-Commission, the representative of UNHCR and the Special Rapporteur. The Committee would take into account all the information provided and the suggestions made in formulating its general recommendation to be adopted that afternoon. The Committee had thus concluded the general debate segment of its thematic discussion on the situation of Roma.

The meeting rose at 12.05 p.m.